

Burlington Planning Commission

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-16-11 Enforcement Period of Limitations

ZA-16-12 Rezone Fletcher Place to Residential Medium

ZA-17-01 Off-Site Parking

ZA-17-02 Family Daycare Exceptions & Preschools

ZA-17-03 Withhold Permit

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, September 27, 2016** beginning at **6:45pm** in Contois Auditorium, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-16-11 Enforcement Period of Limitations:** The purpose of this amendment is to establish "Section 2.7.11 Enforcement Period of Limitations," pursuant to 24 V.S.A. §4454 and this section, pertaining to zoning violations which have been known to the City of Burlington for more than 15 years and where the City has not taken corrective action to address the violation. This ordinance establishes burden of proof, and a process through which properties with use, dimension, structure, function or other violations can seek to be "stabilized." Finally, this amendment removes references to "Bianchi controlled situations" in Part 3: Non-Conformities.
- **ZA-16-12 Rezone Fletcher Place to Residential Medium:** The purpose of this amendment is to rezone residential properties along Fletcher Place from Institutional to Residential Medium in order to promote residential density and uses which are consistent with the existing neighborhood character.
- **ZA-17-01 Off-Site Parking:** The purpose of this amendment is to clarify the existing zoning provisions for off-site parking and to provide for efficient and effective use of parking facilities generally. The amendment establishes additional parameters for what constitutes acceptable off-site parking facilities and also strengthens the provision for off-site parking used to meet required parking. Reference to the design review standards of Article 6 is also inserted.
- **ZA-17-02 Family Daycare Exceptions & Preschools:** The purpose of this amendment is to align the definition of Daycare to be consistent with state regulatory review; to assure exemption from zoning requirements as noted, and to affirmatively distinguish daycare use from home occupations.
- **ZA-17-03 Withhold Permit:** The purpose of this proposed amendment is to create additional incentive to correct outstanding zoning violations and to prompt action to close out expired permits in need of certificates of occupancy. Properties with outstanding

zoning violations or open and expired zoning permits may not receive new zoning permits until those items are addressed.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-16-11:** This amendment is applicable to all zoning districts within the City of Burlington.
- **ZA-16-12:** This amendment is applicable to 12 residential properties on Fletcher Place; this amendment does not apply to 34 Fletcher Place.
- **ZA-17-01:** This amendment is applicable City-wide, except for single and two-family dwellings.
- **ZA-17-02:** This amendment is applicable to all zoning districts in which daycares and preschools are permitted by right, or through conditional use.
- **ZA-17-03:** This amendment is applicable to all zoning districts within the City of Burlington.

List of section headings affected:

- **ZA-16-11:** Within Article 2, Part 7, this amendment adds “Section 2.7.11 Enforcement Period of Limitations” and renumbers “Section 2.7.12 Administrative Appeal.” Within Article 5, Part 3, this amendment modifies “Section 5.3.1 Purpose” and strikes “Section 5.3.2 ‘Bianchi controlled uses, structures and lots.’”
- **ZA-16-12:** This amendment applies to “Map 4.3.1-1 Base Zoning Districts.”
- **ZA-17-01:** This amendment modifies “Section. 8.1.12 Limitations, Location, and Use of Facilities,” modifies “Section. 8.1.15 Waivers from Parking Requirements/Parking Management Plans,” and adds a definition in “Section.13.1.2 Definitions.”
- **ZA-17-02:** This amendment adds “Section 3.1.2. (c) 10,” modifies the Family Day Care Home definition in “Section 13. Definitions,” modifies “Section 5.4.1 Small Day Care Center,” and modifies “Appendix A- Use Table.”
- **ZA-17-03:** This amendment adds “Section 2.7.8 Withhold Permit.”

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.